

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
RALEIGH DIVISION

IN RE:

CASE NO.: 10-02049-8-JRL

MARION GLENN SMITH
VIRGINIA LOIS SMITH,

DEBTORS

TRUSTEE'S APPLICATION TO EMPLOY ATTORNEY

Now comes David M. Warren ("Trustee"), trustee in the above-referenced matter, pursuant to 11 U.S.C. §327 and Rule 2014 of the Federal Rules of Bankruptcy Procedure, and applies to the court for authority to employ an attorney and for authority to act as attorney for the bankruptcy estate in his own behalf, and respectfully shows in support thereof:

1. The Trustee has been appointed in this bankruptcy case.
2. It is necessary for the Trustee to employ an attorney for the following general

reasons:

To assist in identifying the legal problems which may arise in the administration of the estate; to examine security agreements, deeds of trust and other instruments which may constitute liens upon the property of the estate; to identify and examine any statutory or judicial liens, to determine the validity and priority of all such security agreements, liens and encumbrances; to investigate any additional assets and any rights which the trustee may have to property of the estate; to examine and research all legal problems which may arise in the administration of the estate; and to generally advise the trustee upon any legal matters which may arise in the course of the administration of the bankruptcy estate.

3. It is also necessary for the Trustee to employ an attorney for the following specific reasons:

- a. To examine the real estate records and tax records to determine what assets constitute property of the bankruptcy estate.

b. To examine the Debtors' books and records and to investigate any recent payments and transfers of property made by the Debtors.

4. The Trustee proposes to employ David M. Warren, to act as attorney in his own behalf so far as the same may be practical and beneficial to the estate. David M. Warren will perform those tasks enumerated in paragraphs 2 and 3 above.

5. The proposed attorney has had wide legal experience in bankruptcy matters and will be able to adequately handle all legal matters involving the bankruptcy estate. It will be in the best interest of the estate for the Trustee to serve as attorney in his own behalf.

6. That compensation for legal services as attorney for the estate be allowed on a reasonable basis, in such amount as determined by the court, after or during the performance of such services, on an interim or final basis and after application for such compensation.

7. The proposed attorney has no connection with the Debtors, the creditors, or any other party in interest, their respective attorneys or accountants, in connection with this bankruptcy estate, and the proposed attorney does not hold or represent any interest adverse to the estate, is a disinterested person as set forth in 11 U.S.C. §327 be employed as attorney for the estate.

8. The Trustee has reviewed the schedules filed in this case, and based upon the information contained in the schedules, represents the following:

- a. The value of Debtors' assets is approximately \$195,996.89.
- b. The amount of the Debtors' liabilities is approximately \$182,155.73.
- c. The unsubstantiated value of unencumbered assets is approximately \$10,000.00.

Wherefore, the Trustee prays that he be authorized to employ and retain David M. Warren as attorney for the estate and for such compensation as may be approved by the court.

Dated: May 21, 2010.

/s/ David M. Warren
David M. Warren
Trustee
Post Office Box 1801
Raleigh, NC 27602
Telephone: (919) 783-6400
Facsimile: (919) 783-1075

AFFIDAVIT

David M. Warren, being first duly sworn, deposes and says in connection with the foregoing trustee's application for authority to employ attorney:

1. I am an attorney licensed to practice law in the United States Bankruptcy Court for the Eastern District of North Carolina and presently serving as trustee in the above bankruptcy estate.

2. I do not hold or represent any interest adverse to the bankruptcy estate, I am a disinterested person as contemplated under 11 U.S.C. §327(a), and it will be in the best interest of the estate that I serve as attorney for the estate.

3. I have no business, professional or other, connection with the Debtor, creditors, or any other party in interest, their respective attorneys or accountants.

4. I am experienced in the matters upon which I am to be employed.


Dated: May 20, 2010.

POYNER SPRUILL LLP

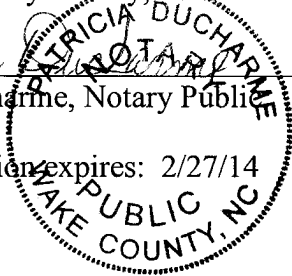
By: 

David M. Warren
N.C. State Bar No. 12581
Post Office Box 1801
Raleigh, NC 27602
Telephone: (919) 783-6400
Facsimile: (919) 783-1075

Sworn to and subscribed before
me this 20th day of May, 2010.


Patricia Ducharme, Notary Public

My commission expires: 2/27/14



CERTIFICATE OF SERVICE

I, David M. Warren, certify:

That I am, and at all times hereinafter mentioned was, more than eighteen (18) years of age;

That on this day I served a copy of the foregoing Application To Employ Attorney on:

Marjorie K. Lynch, Esq.
Bankruptcy Administrator, EDNC
Post Office Box 3758
Wilson, NC 27893-3758

by depositing same in the United States mail, first class, postage prepaid.

I certify under penalty of perjury that the foregoing is true and correct.

Dated: May 21, 2010.

/s/ David M. Warren
David M. Warren
Trustee
Post Office Box 1801
Raleigh, NC 27602
Telephone: (919) 783-6400
Facsimile: (919) 783-1075